

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, pursuant to and consistent with 37 C.F.R. §1.112, and in light of the remarks which follow, are respectfully requested.

Claims 1, 3, 5, 7, 10 and 13 have been amended at least partly in response to issues raised in the Office Action. Support for the feature of preparing the fibers from a single material may be found in the specification on page 4, lines 17-18. Claims 1-16 remain pending in this application.

Claim 10 was rejected under 35 U.S.C. §112, second paragraph, for the reasons given in paragraph (4) of the Office Action. Reconsideration of this rejection is respectfully requested for at least the following reasons.

The legal standard for determining compliance with the second paragraph of 35 U.S.C. §112 is whether the claims reasonably apprise those of ordinary skill in the art of their scope. See In re Warmerdam, 33 F.3d 1354,1361, 31 USPQ2d 1754,1759 (Fed. Cir. 1994). In determining whether this standard is met, the definiteness of the language employed in the claim must be analyzed, not in a vacuum, but always in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art. In re Johnson, 558 F.2d 1008,1015, 194 USPQ 187,193 (CCPA 1977).

Claim 10 has been amended to clarify that the nonwoven fabric has a napped textile surface. Those of ordinary skill are well aware that a napped surface is normally provided

to a fabric by a process which comprises contacting the surface with revolving cylinders covered with metal points or burrs which raise the surface fibers of the fabric. This technique is described in column 1, lines 34-38 of the cited Scherbel '433 patent. Those of ordinary skill in this art would readily comprehend that claim 10 is directed to the nonwovens of the invention which have been processed to provide a napped surface.

For at least these reasons, the §112 rejection should be withdrawn. Such action is earnestly requested.

Claims 1-10 and 12-16 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 3,929,542 to Gehrig et al for reasons provided in paragraph (7) of the Office Action. Reconsideration of this rejection is respectfully requested for at least the following reasons.

The nonwovens of Gehrig et al '542 are prepared from continuous fibers which are extruded, crimped and laid on a moving belt to form nonwovens. This is clearly evident from the figures of the drawings. In contrast, the presently claimed nonwovens and fabrics are prepared from fibers obtained by cutting crimped tows or sheets into discontinuous short fibers. Note the instant specification on page 5, lines 5-8; page 7, lines 24-25; and page 8, lines 16-17. The claims now specify that the fibers are cut, i.e. are discontinuous.

Therefore, the §102(b) rejection based on Gehrig et al '542 should be withdrawn. Such action is respectfully requested.

Claims 1, 2 and 7-16 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 5,922,433 to Scherbel for reasons set forth in paragraph (8) of the Office

Action. Reconsideration and withdrawal of this rejection are respectfully requested for at least the reasons which follow.

Scherbel '433 does not disclose the preparation of a nonwoven fabric. The interlining described therein is prepared from a base material which is a woven or knitted fabric made from multicomponent fibers. In contrast, the fibers of the present invention are composed of a single material, i.e. are not multicomponent fibers. Further, while Scherbel '433 incidentally mentions nonwovens (column 4, line 35), the examples and claims are restricted to woven or knitted materials. Thus, the disclosure of this reference is not anticipatory.

For at least these reasons, the §102(e) rejection over Scherbel '433 should be withdrawn. Such action is respectfully requested.

Claims 1, 2 and 6-16 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,551,378 to Carey for reasons set forth in paragraph (9) of the Office Action. Reconsideration and withdrawal of this rejection are requested for at least the reasons which follow.

Carey '378 discloses nonwoven fabrics produced from bicomponent fibers only. Conversely, the fibers used in the present invention are composed of a single material, i.e. not bicomponent fibers.

Accordingly, the §102(b) rejection over Carey '378 should be withdrawn. Such action is respectfully requested.

Claims 4 and 5 were rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Carey '378. The Examiner's reasoning is set forth in paragraph (10) of the Office Action.

Carey '378 discloses fabrics solely made from multicomponent fibers. Accordingly, this reference does not anticipate the presently amended claims. Moreover, there is no teaching or suggestion in Carey '378 that would motivate those of ordinary skill to replace the multicomponent fibers which are a necessary component of the fabrics, with monocomponent fibers. Nor would there be a reasonable expectation that such a substitution would be successful in yielding a fabric having the properties required by patentee.

For at least these reasons, the §102 and §103 rejections over Carey '378 should be reconsidered and withdrawn. Such action is earnestly solicited.

Claims 4 and 5 were rejected under 35 U.S.C. §102(e) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Scherbel '433 for reasons expressed in paragraph (11) of the Office Action. Reconsideration of this rejection is respectfully requested for at least the reasons which follow.

The woven and knitted fabrics described in Scherbel '433 are composed of multicomponent fibers. Note in particular, column 3, lines 35-41. The presently claimed nonwovens are prepared from monocomponent fibers. Accordingly, Scherbel '433 is not an anticipatory reference.

Further, no motivation exists in Scherbel '433 which would encourage those skilled in the art to substitute monofilament fibers for the multicomponent fibers with a reasonable expectation of obtaining the results desired by patentee. Nor would those of ordinary skill be motivated to prepare nonwovens instead of woven or knitted fabrics in view of the teachings of Scherbel '433.

For at least these reasons, the §§102(e)/103(a) rejections based on Scherbel '433 should be withdrawn and such action is respectfully requested.

Claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over Carey '378 or Scherbel '433 for reasons given in paragraphs (12) and (13) of the Office Action.

Reconsideration of these rejections is requested for at least the following reasons.

Carey '378 and Scherbel '433 only disclose fabrics prepared from multicomponent fibers. Virtually the entire disclosure of Scherbel '433 relates to woven or knitted fabrics. There is no teaching in these documents which would motivate those of ordinary skill to significantly modify their disclosures to arrive at the presently claimed invention. Accordingly, these rejections should be reconsidered and withdrawn.

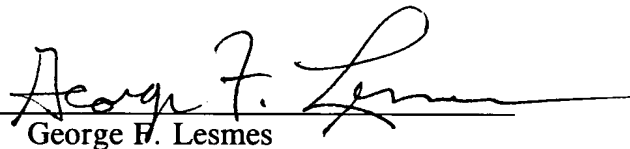
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 30, 2003

By: _____



George F. Lesmes

Registration No. 19,995

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620